## Case 3:07-md-01827-SI Document 8791-2 Filed 11/22/13 Page 1 of 3 1 Richard M. Heimann (State Bar No. 63607) LIEFF CABRASER HEIMANN & BERNSTEIN, LLP 275 Battery Street, 29th Floor 2 San Francisco, California 94111 3 Telephone: (415) 956-1000 Facsimile: (415) 956-1008 4 Bruce L. Simon (State Bar No. 96241) 5 PEARSON, SIMON & WARSHAW, LLP 44 Montgomery Street, Suite 2450 6 San Francisco, California 94104 Telephone: (415) 433-9000 7 Facsimile: (415) 433-9008 8 Co-Lead Counsel for the Direct Purchaser Plaintiffs 9 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 10 SAN FRANCISCO DIVISION 11 12 13 IN RE: TFT-LCD (FLAT PANEL) Case No. MDL 3:07-md-1827 SI ANTITRUST LITIGATION 14 **CLASS ACTION** 15 **DECLARATION OF ROBIN M. NIEMIEC** This Document Relates to: IN SUPPORT OF DIRECT PURCHASER 16 **CLASS PLAINTIFFS' STATUS REPORT** ALL DIRECT PURCHASER CLASS REGARDING INITIAL DISTRIBUTION 17 **ACTIONS** OF SETTLEMENT FUNDS 18 19 20 21 22 23 24 25 26 27 28 MDL 3:07-md-1827 SI

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Robin M. Niemiec, declares and states that:

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Settlement.

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1. I am a Client Services Director for Rust Consulting, Inc. ("Rust"). I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein, and if called as a witness, could and would testify competently hereto.

I submit this Declaration in order to provide the Court and the parties to the above-

Pursuant to the Order Granting Preliminary Approval of Direct Purchaser Class

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captioned litigation (the "Action") with information regarding the distribution of the Net

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Settlement Fund (the "Settlement Fund") to date.

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Settlement with Defendants Epson Imaging Devices Corporation and Epson Electronics

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America, Inc. dated October 6, 2010 (Dkt. No. 2077), Rust was appointed the Claims

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Administrator to oversee, among other things, the process of providing notice about the

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## **Summary of Initial Distribution**

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4. Pursuant to this Court's Order Approving First Distribution of Settlement Funds to

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distributed \$258,637,975.14 to 2,840 Settlement Class Members and in order to minimize claims

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administration expenses, funds were held back only from claimants whose awards exceeded

the Direct Purchaser Class Members ("Initial Distribution Order"), on July 23, 2013, Rust

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\$10,000.

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5. Rust has re-issued checks to Settlement Class Members who contacted Rust requesting that their checks be re-issued due to a change in payee name, they did not receive their

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check and/or the check was lost or destroyed.

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6. Since the initial distribution, Rust has received and responded to numerous inquiries from Settlement Class Members concerning the settlement and distribution of funds.

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7. As of November 22, 2013, \$94,851.64 remains from 154 uncashed, undeliverable or returned checks ("Uncashed Funds").

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8. Pursuant to this Court's Order Regarding Payment of Late-Filed and Disputed Claims ("Late/Disputed Claims Order"), this Court authorized payment to nineteen (19) claims

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("Late/Disputed Claims").

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- 9. After the Late/Disputed Claims Order was issued, Rust was contacted by two (2) additional claimants, Propeller, Inc. and DuPont requesting payments for their claims. These were late-filed claims that did not provide Affidavits prior to the Late/Disputed Claims Order but have since provided Affidavits.
- 10. On Monday, November 18, 2013 and Tuesday, November 19, 2013 Rust was contacted by an additional claimant, OfficeMax, and by class counsel in regard to the OfficeMax claim, respectively, advising that OfficeMax disputed its award amount.
- 11. On August 24, 2012 and February 21, 2013, OfficeMax was sent letters advising that its claim would be adjusted to purchases reflected in Defendant data unless it provided proof of its claim. OfficeMax did not respond to the requests.
- 12. OfficeMax is currently providing proof of its purchases to Rust and the documentation is being reviewed as it is received.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of November, 2013 in Palm Beach Gardens, Florida.

Rolin M. Nemu

Robin M. Niemiec